

WILKINSON) BARKER) KNAUER) LLP

1800 M STREET, NW
SUITE 800N
WASHINGTON, DC 20036
TEL 202.783.4141
FAX 202.783.5851
WWW.WBKLaw.COM

DAVID H. SOLOMON
202.383.3369
DSOLOMON@WBKLaw.COM

January 31, 2018

BY ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Summary of Oral Ex Parte Presentation, EB Docket No. 16-330

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206(b), this letter summarizes an oral presentation regarding the above-referenced matter made during a meeting held on January 29, 2018, between representatives of CTIA®, NCTA – The Internet & Television Association (“NCTA”), USTelecom – The Broadband Association (“USTelecom”), INCOMPAS, and the undersigned with representatives of the Enforcement Bureau.

During the meeting, consistent with the associations’ March 6, 2015 Petition for Reconsideration of *Forfeiture Methodology for Violations of Rules Governing Payment to Certain Federal Programs*, Policy Statement, 30 FCC Rcd 1622 (2015), we expressed the view that the Commission’s approach in recent years to defining a “continuing violation” is inconsistent with the one-year statute of limitations for non-broadcast Notices of Apparent Liability (“NALs”) contained in the Communications Act and inconsistent with relevant court precedent. We noted that the one-year statute of limitations is intended to create “repose” and does not continue because the violation either has not been “cured” or has continuing effects. We discussed four categories that we believe should not be treated as continuing violations: (1) failure to make (or timely make) a required regulatory filing; (2) the inclusion of incorrect information in a regulatory filing; (3) failure to make (or timely make) a required Universal Service Fund (“USF”) or other regulatory payment; and (4) failure to return improperly received funds to the USF or other FCC funds. We also noted that in dissents to NALs released after the

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associations' Petition for Reconsideration, then-Commissioner Pai expressed views on this issue consistent with our position.

A list of attendees is provided in the attached Appendix.

Please contact the undersigned if there are any questions regarding this matter.

Sincerely yours,

/s/ David H. Solomon

David H. Solomon
Counsel to CTIA

cc (by email):

Rosemary Harold
Lisa Gelb
Christopher Killion
Keith Morgan
Phillip Rosario
Jeremy Marcus
David Strickland
Rosemary McEnery

APPENDIX: ATTENDEES AT JANUARY 29, 2018 MEETING

Enforcement Bureau Attendees

Rosemary Harold
Lisa Gelb
Christopher Killion (by telephone)
Keith Morgan
Phillip Rosario
Jeremy Marcus
David Strickland
Rosemary McEnery

Non-FCC Attendees

Krista Witanowski (CTIA)
Angela Kronenberg (INCOMPASS)
Rick Chesson (NCTA)
Loretta Polk (NCTA)
Diane Holland (USTelecom)
David Solomon (Wilkinson Barker Knauer, LLP)